S.B. CIVIL MISC. APPEAL NO.64/2007.
(Sohan & Anr. Vs. Babu Lal & Anr.)

Date of Order :: 9th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Sandeep Sarupariya, for the appellants.

...

For awarding compensation to the parents and wife of the 26 years old vehicular accident victim Chheliya said to be working as a labourer on road construction work, the Tribunal has noticed and rejected the assertion of the claimants about earnings of the deceased at Rs.4,500/- per month for want of cogent corroborative evidence; has taken his earnings at Rs.2,100/- per month on the basis of wages of Rs.70/- per day; and after deduction of one-third on his personal expenditure has taken loss of contribution for the claimants at Rs.1,400/- per month, i.e. Rs.16,800/- per annum; and with application of multiplier of 16, has assessed pecuniary loss at Rs.2,68,800/-; and while allowing Rs. 20,000/- towards non-pecuniary loss and Rs.5,000/- towards funeral expenses, has allowed compensation in the sum of Rs.2,93,800/- under the impugned award dated 21.07.2005 that is challenged as low and inadequate in this appeal.

The considerations adopted by the Tribunal cannot be be said to be improper or incorrect and there appears no scope for enhancement over the amount of compensation awarded.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

//Mohan//